

REMARKS/ARGUMENTS

Amendments to the Claims

Claim 1 is amended, inserting "said" at line 8 to properly refer back to the earlier appearance of "antibody". Claim 4 is amended, changing "OR" to "OR¹" and "NR³R⁴" to "NR¹R²" to make these terms consistent with corresponding groups recited in claim 6. The amendment is fully supported; the amended groups are species for Z¹-Z⁴ as set forth in claim 6. The amended groups in claim 4 correspond to Z¹ and Z² in this claim. No new matter is added by this amendment. Claim 17 is amended to add punctuation to the end of the sentence. Claim 9 is canceled.

Claims 24-27 are amended into method claims that are directly or indirectly dependent upon claim 1. As claim 24 merely further describes the structure of an exemplary antibody of use in the method of claim 1, no new matter is added by this amendment.

Amendment to the Specification

Paragraph 272 of the specification is amended to make the language of this paragraph, which corresponds to claim 4, consistent with the language of paragraph 273, which corresponds to claim 6. For the reasons set forth above, the amendment is fully supported by the specification.

Restriction Requirement

The Examiner has required restriction of the pending claims into three groups. Applicants elect the claims of Group I (claims 1-15) with traverse. The claims of Group III are now amended to be either directly or indirectly dependent upon claim 1, and recite a method of treating cancer by administering an antibody having the recited features to a subject. Claims 24-26 merely describe an exemplary antibody of use in the method of claim 1. Claim 27 recites that the antibody having the features of claim 24 is administered as a pharmaceutical composition. In view of the amendments to the claims of Group III, the applicants respectfully submit that restriction between the claims of Group I and Group III is not proper. Accordingly, Applicants request the rejoinder of the claims of these two groups into a single group that is examined as a whole. As the antibody of claim 24 is subgeneric to that of claim 1, no additional burden is

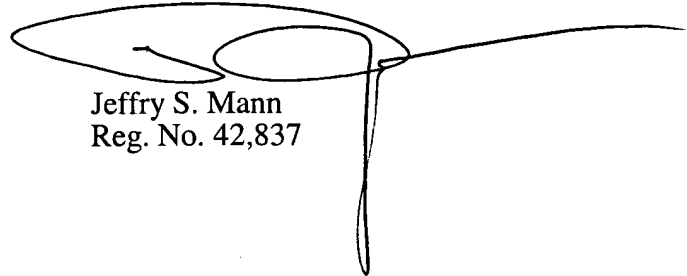
added to the search and examination by including claims 24-27 in the claims to be substantively examined.

Furthermore, Applicants respectfully traverse the restriction between Groups I and III and Group II. The Examiner correctly points out that the claims of Group I are directed to a method of treating cancer and those of Group II are directed to a method of obtaining an in vivo diagnostic image of a subject. Though the purpose of the method recited in the claims of Group I differs that of the claims of Group II, both of the methods utilize the antibody of the invention and a metal chelate that is recognized by the antibody. The claims of Group II recite an extra process step; detecting the cell-bound antibody complex. Accordingly, Applicants respectfully submit that if the examination of the claims of Group I fails to locate relevant art disclosing the antibody of the invention, no further search is required for the claims of Group II. Therefore, Applicants request rejoinder of the claims of Group II with those of Group I.

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 415-442-1000.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Jeffry S. Mann", is written over a horizontal line. The signature is stylized with a large loop at the end.

Jeffry S. Mann
Reg. No. 42,837

MORGAN, LEWIS & BOCKIUS, LLP
One Market, Spear Street Tower
San Francisco, California 94105
Tel: 415-442-1000
Fax: 415-442-1001
Attachments

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